

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	INTERSTATE AGREEMENT ON
)	DETAINERS ORDER
vs.)	
)	Case No. 1:06-cr-063
Pat Roy Moore,)	
)	
Defendant.)	

On August 7, 2006, the North Dakota Parole Board recently entered an order revoking the defendant's state parole. On August 21, 2006, the defendant filed a motion to modify and/or vacate the order of detention issued by the court on June 20, 2006. The defendant seeks a modification of this court's detention order so that he may return to the North Dakota State Penitentiary while he awaits trial. He has executed and filed a waiver of the anti-shutting provisions Interstate Agreement on Detainers Act ("IADA") wherein he requests that he be housed by the State of North Dakota (the "sending state" under the IADA) at the North Dakota State Penitentiary pending trial of the charges on the indictment by the United States (the "receiving state" under the IADA). The government does not oppose the defendant's request.

The court finds the defendant waiver of his IADA's anti-shutting provisions was made knowingly, voluntarily, and upon advice of counsel. Accordingly, the court **GRANTS** the defendant's motion to modify the detention order (Docket No. 12) and modifies its detention order as follows:

IT IS HEREBY ORDERED that defendant be released to and housed in the "sending state" under the IADA, at the North Dakota State Penitentiary in Bismarck, North Dakota, pending trial

of this matter or until further order of the court. Further, pursuant to the defendant's waiver, the return of the defendant to the custody of the State of North Dakota pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the Indictment.

Dated this 22nd day of August, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.
United States Magistrate Judge